


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case **32-CA-291007**Date Filed **02-18-2022**

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer PBF Energy (Martinez Refining Company)	b. Tel. No. (925) 229-6064 c. Cell No. f. Fax No.
d. Address (Street, city, state, and ZIP code) PO Box 711, Martinez, CA 94553	e. Employer Representative (b) (6), (b) (7)(C) g. e-Mail (b) (6), (b) (7)(C)@pbfenergy.com h. Number of workers employed 50 +
i. Type of Establishment (factory, mine, wholesaler, etc.) Refinery	j. Identify principal product or service
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce with the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Failure to submit documents after the Union made several information requests for said documents. Therefore impeding the Unions investigation during a grievance.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Laborers' Local 324	
4a. Address (Street and number, city, state, and ZIP code) 611 Berrellessa Street, Martinez, CA 94553	4b. Tel. No. (925) 228-0930 4c. Cell No. (916) 997-6087 4d. Fax No. (925) 370-1586 4e. e-Mail tshull@local324.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Northern California District Council of Laborers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Conchita Lozano-Batista (Print/type name and title or office, if any) Address: Weinberg, Roger & Rosenfeld, 1375 55 th Street, Emeryville, CA 94608 February 18, 2022 (date)	
Tel. No. (510) 337-1001 Office, if any, Cell No. Fax No. (510) 337-1023 e-Mail nlrbnotices@unioncounsel.net	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778



Download
NLRB
Mobile App

February 22, 2022

(b) (6), (b) (7)(C)

PBF ENERGY
(MARTINEZ REFINING COMPANY)
PO BOX 711
MARTINEZ, CA 94553

**Re: PBF Energy (Martinez Refining
Company)
Case 32-CA-291007**

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney IRMA HERNANDEZ whose telephone number is (213)634-6405. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

February 22, 2022

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

February 22, 2022

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER
32-CA-291007

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$ _____

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**PBF ENERGY (MARTINEZ REFINING
COMPANY)**

Charged Party

and

LABORERS' LOCAL 324

Charging Party

Case 32-CA-291007

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 22, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

PBF ENERGY
(MARTINEZ REFINING COMPANY)
PO BOX 711
MARTINEZ, CA 94553

February 22, 2022

Date

Ida Lam Designated Agent of NLRB

Name

/s/ Ida Lam

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778



Download
NLRB
Mobile App

February 22, 2022

TRESTON SHULL
LABORERS' LOCAL 324
611 BERRELLESA STREET
MARTINEZ, CA 94553

Re: **PBF Energy (Martinez Refining
Company)**
Case 32-CA-291007

Dear Mr. Shull:

The charge that you filed in this case on February 18, 2022 has been docketed as case number 32-CA-291007. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney IRMA HERNANDEZ whose telephone number is (213)634-6405. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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February 22, 2022

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen
Regional Director

cc: CONCHITA E. LOZANO-BATISTA, ATTORNEY
WEINBERG ROGER & ROSENFELD
1375 55TH STREET
EMERYVILLE, CA 94608



**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Park Tower, Suite 1500
695 Town Center Drive
Costa Mesa, CA 92626
Telephone: 714.800.7900
Facsimile: 714.754.1298
www.ogletreedeakins.com

Daniel A. Adlong
714.800.7997
daniel.adlong@ogletree.com

March 7, 2022

VIA ELECTRONIC FILING

Ms. Valerie Hardy-Mahoney, Regional Director
NATIONAL LABOR RELATIONS BOARD
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224

RE: PBF Energy (Martinez Refining Company)
Case Number: 32-CA-291007

Dear Ms. Hardy-Mahoney:

Our office will represent PBF Energy (Martinez Refining Company) in this matter. Please consider this letter PBF Energy's (Martinez Refining Company) notice of appearance and direct all communication to me as the legal representative:

Daniel A. Adlong, Esq.
daniel.adlong@ogletree.com
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
695 Town Center Drive, Suite 1500
Costa Mesa, CA 92626
Telephone: (714) 800-7900
Facsimile: (714) 754-1298

As additional service, can you please also serve (b) (6), (b) (7)(C) below:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) [@ogletree.com](mailto:(b) (6), (b) (7)(C)@ogletree.com)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
695 Town Center Drive, Suite 1500
Costa Mesa, CA 92626
Telephone: (714) 800-7900
Facsimile: (714) 754-1298

Please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke extending to the right.

Daniel A. Adlong

DAA:(b)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324, Charging Party, and PBF Energy (Martinez Refining Company), Respondent,
--

CASE 32-CA-291007

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Laborers' Local 324


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Kristina L. Hillman	
MAILING ADDRESS: 1375 55th Street, Emeryville, CA 94608	
E-MAIL ADDRESS: nlrbnotices@unioncounsel.net	
OFFICE TELEPHONE NUMBER: (510) 337-1001	
CELL PHONE NUMBER:	FAX: (510) 337-1023
SIGNATURE: 	
DATE: (Please sign in ink.) April 27, 2022	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Martinez Refining Company LLC

Case 32-CA-291007

Subject to the approval of the Regional Director for the National Labor Relations Board (Board), the Charged Party Martinez Refining Company LLC and the Charging Party Laborers' Local 324, Northern California District Council of Laborers **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English. (b) (6), (b) (7)(C) will then sign and date those Notices and immediately post them on Company bulletin boards and at the turnstiles at the Martinez refinery located at 3485 Pacheco Blvd., Martinez, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

It is expressly understood that neither a copy of this Agreement nor any other side notice referencing this Agreement shall be physically posted adjacent to the Board's notices.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case, including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

Initials: JWS

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes JWS
Initials

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

Initials: JWS

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing as to what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within five (5) days, and again after sixty (60) days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party Martinez Refining Company LLC <i>Darren W. Stroud</i> <i>6/6/22</i>	Charging Party Laborers' Local 324, Northern California District Council of Laborers
By: Name and Title Date <i>Darren W. Stroud</i>	By: Name and Title Date
Print Name and Title below <i>West Coast Refinery Attorney</i>	Print Name and Title below
Recommended By: Date <i>Irma Hernandez</i> <i>June 8, 2022</i> IRMA HERNANDEZ Field Attorney	Approved By: <i>William B. Cowen</i> WILLIAM B. COWEN Regional Director, Region 21 Digitally signed by WILLIAM COWEN Date: 2022.06.08 10:18:59 -07'00'

Initials: *DWS*

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT refuse to provide **Laborers' Local 324, Northern California District Council of Laborers (the Union)** with information that is relevant and necessary for its grievances against the Charged Party.

WE WILL provide the Union with the following information it requested on January 27, 2022, and on February 11, 2022: all contracts, payroll records, change orders, and for the period of February 1, 2021 until May 23, 2022, emails for, from, or between Industrial Railways Company, Discovery Land Care, and Brinderson and the Charged Party, and a list of all sub-contractors performing work at the refinery since February 1, 2021, to the present.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the National Labor Relations Act.

Martinez Refining Company LLC

(Charged Party/Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

US Court House, Spring Street

Telephone: (213)894-5200

Initials: JW4

312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: _____

JWS

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

Martinez Refining Company LLC

Case 32-CA-291007

Subject to the approval of the Regional Director for the National Labor Relations Board (Board), the Charged Party Martinez Refining Company LLC and the Charging Party Laborers' Local 324, Northern California District Council of Laborers **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) will then sign and date those Notices and immediately post them on Company bulletin boards and at the turnstiles at the Martinez refinery located at 3485 Pacheco Blvd., Martinez, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

It is expressly understood that neither a copy of this Agreement nor any other side notice referencing this Agreement shall be physically posted adjacent to the Board's notices.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case, including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

Initials: 

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.



Yes JS
Initials

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

Initials: JS

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing as to what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within five (5) days, and again after sixty (60) days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party Martinez Refining Company LLC		Charging Party Laborers' Local 324, Northern California District Council of Laborers	
By:	Name and Title	Date	
<hr/> Print Name and Title below		<div style="text-align: right;">  6/8/22 </div> <hr/> Print Name and Title below Treston Shull Vice President	
Recommended By:		Date	
 IRMA HERNANDEZ Field Attorney		June 8, 2022	
Approved By:		Date	
WILLIAM B. COWEN Regional Director, Region 21			

Initials: 

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT refuse to provide **Laborers' Local 324, Northern California District Council of Laborers (the Union)** with information that is relevant and necessary for its grievances against the Charged Party.

WE WILL provide the Union with the following information it requested on January 27, 2022, and on February 11, 2022: all contracts, payroll records, change orders, and for the period of February 1, 2021 until May 23, 2022, emails for, from, or between Industrial Railways Company, Discovery Land Care, and Brinderson and the Charged Party, and a list of all sub-contractors performing work at the refinery since February 1, 2021, to the present.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the National Labor Relations Act.

Martinez Refining Company LLC

(Charged Party/Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/ty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

US Court House, Spring Street

Telephone: (213)894-5200

Initials: _____

(b) (6), (b) (7)
(C)

312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: _____

(b) (6), (b) (7)
(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

Agent's Direct Dial: (213) 634-6407

Email address: neri.martinez@nlrb.gov

June 10, 2022

Served via email only

(b) (6), (b) (7)(C)

PBF Energy (Martinez Refining Company)
PO Box 711
Martinez, CA 94553
(b) (6), (b) (7)(C)@pbfenergy.com

Daniel A. Adlong, Attorney at Law

(b) (6), (b) (7)(C)

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
695 Town Center Drive, Suite 1500
Costa Mesa, CA 92626-1924
daniel.adlong@ogletree.com
(b) (6), (b) (7)(C)@ogletree.com

Re: PBF Energy (Martinez Refining Company)
Case 32-CA-291007

Gentlepersons:

Enclosed is a conformed copy of the Settlement Agreement in the above matter that was approved on June 8, 2022. The Settlement Agreement is now in effect and has been assigned to me to secure compliance with its terms. This letter discusses what the Employer needs to do to comply with the Agreement and sets forth deadlines for the return of documentary evidence and certifications demonstrating the Employer's efforts to comply. In corresponding with the Agency during the compliance phase, please be advised that the NLRB requires the mandatory electronic filing of all case documents via the Agency's e-filing portal at www.nlrb.gov.

Physically Post Notice: Enclosed is a printable copy of the official Notice to Employees. By June 20, 2022, the Employer must:

- Print the attached Notice in color on 8 ½ by 14 inch legal-sized paper and ensure that each copy of the Notice retains the heading in blue lettering at the top of the Notice and the footer containing the Employer's signature and the Region's contact information.

Case(s) 32-CA-291007

- **(b) (6), (b) (7)(C)** must sign and date the Notices.
- Post the signed Notice on the Company bulletin boards and at the turnstiles at the Martinez refinery located at 3485 Pacheco Blvd., Martinez, California for a period of 60 consecutive days.

The Employer must take reasonable steps to ensure that the Notices are not altered, defaced, or covered by other material. During the posting period, a member of the Regional Office staff may visit the Employer's facility to inspect the Notices.

Remedial Actions

Provide Information: The Settlement Agreement provides that the Employer will provide the Union with the information it requested on January 27, 2022, and on February 11, 2022: all contracts, payroll records, change orders, and for the period of February 1, 2021 until May 23, 2022, emails for, from, or between Industrial Railways Company, Discovery Land Care, and Brinderson and the Charged Party, and a list of all sub-contractors performing work at the refinery since February 1, 2021, to the present. By June 24, 2022, the Employer must:

- Provide the Union with the information described in the Settlement Agreement/Notice to Employees.
- Confirm the date and name of the Union representative to whom it provided the information to on the Certification of Compliance form, which will be discussed below.
- Submit documentary evidence showing all correspondence with the Charging Party and the provision of the sought information via e-file at www.nlr.gov.

Certifications of Compliance: Certification of Posting and Compliance forms are enclosed. The Employer must complete and return the following forms by the deadlines listed below:

- By June 20, 2022, return via e-file the completed Certification of Posting form, along with a color copy of the signed Notice and, if applicable, documentary evidence to support the Employer's compliance with distributing the signed Notice to employees through other methods.
- By June 24, 2022, return via e-file the completed Certification of Compliance form, along with any documentary evidence to support the Employer's compliance with the affirmative actions the Employer must take to comply.

Electronic Filing of Documents: The NLRB requires mandatory electronic filing of all case documents. See [GC 20-01](#) for more information. Written instructions for using the Agency's e-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's [website](#). The Agency's website also contains a [video demonstration](#) which provides step-by-step instructions for e-filing.

Case(s) 32-CA-291007

Case Closing

When all the affirmative terms of the Settlement Agreement have been fully complied with and there are no reported violations of its negative provisions, you will be notified that this case has been closed on compliance. Timely submission of the Certifications of Posting and Compliance, along with the documents requested within, will assist the Regional Office in recommending the closing of this case in a timely manner.

Your cooperation in this matter will be appreciated.

Thank you,

/s/ Neri Martinez
NERI MARTINEZ
Compliance Assistant

Enclosures: Copy of Conformed Settlement Agreement
Notices to Employees
Certification of Posting Form
Certification of Compliance Form

cc: Kristina Hillman, Attorney at Law
Weinberg, Roger and Rosenfeld
1375 55th Street
Emeryville, CA 94608
nlrbnotice@unioncounsel.net;
khillman@unioncounsel.net

Treston Shull
LABORERS' LOCAL 324
611 Berrellesa Street
Martinez, CA 94553-1599
tshull@local324.org

CERTIFICATION OF POSTING

RE: PBF Energy (Martinez Refining Company)
Case(s) 32-CA-291007

Due Date: June 20, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on
(date) _____ at the following locations: (List specific places of posting)

Below, please list specific places of posting at the Employer's facility located at 3485 Pacheco Blvd., Martinez, California. (e.g., on the bulletin board in the employee breakroom).

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature, and title of the responsible official of the Employer was e-filed together with this Certification.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via the Agency's e-filing portal at www.nlrb.gov.

CERTIFICATION OF COMPLIANCE

Due Date: June 24, 2022

**RE: PBF Energy (Martinez Refining Company)
Case(s) 32-CA-291007**

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Provided Information

On (date) _____, the Employer provided the information requested by the Union on January 27, 2022, and on February 11, 2022, which the Settlement Agreement required to be provided to (insert name and title) _____.

A copy of the correspondence addressed to the Charging Party when the above information was transmitted to the Charging Party has been e-filed.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office via the Agency's e-filing portal at www.nlr.gov.

CERTIFICATION OF POSTING

RE: PBF Energy (Martinez Refining Company)
Case(s) 32-CA-291007

Due Date: June 20, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on
(date) 6/16/2022 at the following locations: (List specific places of posting)

Below, please list specific places of posting at the Employer's facility located at 3485 Pacheco Blvd., Martinez, California. (e.g., on the bulletin board in the employee breakroom).

Please see attached

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature, and title of the responsible official of the Employer was e-filed together with this Certification.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: Nam Van
Title: Refinery Attorney
Date: 6/27/2022

This form should be returned to the Regional Office together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via the Agency's e-filing portal at www.nlrb.gov.

	Posting Locations	Date Posted	Time Posted
1	MBC TS ZT	6-15-22	10:10
2	MBC Main Entrance ZT	6-16-22	7:20
3	MBC Back Entrance BB	6-15-22	10:15
4	Warehouse entrance ZT	6-15-22	2:04
5	P4 ZT	6-15-22	10:27
6	P5 ZT	6-15-22	10:36
7	P1 ZT	6-15-22	1:50
8	P1.5 ZT	6-15-22	1:56
9	G75 ZT	6-15-22	2:25
10	G72 ZT	6-15-22	12:36
11	ELG ZT	6-15-22	12:45
12	Selenium ZT	6-15-22	12:49
13	North Gate ZT	6-15-22	1:07
14	North Gate 2 ZT	6-15-22	1:16
15	MOB ZT	6-15-22	1:02
16	Lab BR BB	6-16-22	8:15
17	Medical BB	6-16-22	8:01
18	Bottle Wash BB	6-16-22	8:10
19	Recycle Center BB	6-16-22	8:26
20	Club House 1 ZT	6-15-22	1:37
21	Club House 2 ZT	6-15-22	2:46
22	Club House Drive Entrance ZT	6-15-22	2:51
23	Badge Office BB	6-15-22	2:44
24	OPCEN Parking ZT	6-16-22	8:45
25	Shell Ave. Gate ZT	6-15-22	1:30
26	ETP CC BR BB	6-16-22	7:51
27	Wharf BR BB	6-16-22	7:45
28	Logistics Field Office BR BB	6-16-22	8:20
29	DCU OPS BR BB	6-16-22	10:27
30	Riggers House BR BB	6-15-2022	9:37
31	DH OPS BR BB	6-16-2022	10:13
32	LOP Maint BR BB	6-16-2022	10:11
33	Utilities OPS BR BB	6-16-2022	8:59
34	CP OPS BR BB	6-16-2022	8:59
35	Blender OPS BR BB	6-16-22	8:53
36	OPCEN CC BR BB	6-16-22	8:36
37	T/A Group BB	6-15-22	12:20
38	Weld Shop BB	6-15-22	12:17
39	A/I/E BB	6-15-22	12:10
40	Garage BB	6-15-22	12:00
41	Comp/Pump Team BR BB	6-15-22	12:13
42	Machine Shop BR BB	6-15-22	10:50
43	Warehouse BR BB	6-15-22	10:54
44	CFCC BR BB	6-16-22	10:20